

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

R.F.M., T.D., S.W., and D.A.F.A., on behalf of
themselves and all others similarly situated,

Plaintiffs,

v .

KIRSTJEN NIELSEN, in her capacity as Secretary
of the Department of Homeland Security; LEE
FRANCIS CISSNA, in his capacity as Director of
United States Citizenship and Immigration Services;
BARBARA VELARDE, in her capacity as Chief of
the Administrative Appeals Office of United States
Citizenship and Immigration Services; ROBERT M.
COWAN, in his capacity as Director of the United
States Citizenship and Immigration Services
National Benefits Center; THOMAS CIOPPA, in his
capacity as Director of the United States Citizenship
and Immigration Services New York City District
Office; EDWARD NEWMAN, in his capacity as
Director of the United States Citizenship and
Immigration Services Buffalo District Office;
DANIEL RENAUD, in his capacity as Associate
Director of United States Citizenship and
Immigration Services Field Operations Directorate;
GWYNNE DINOLFO, in her capacity as United
States Citizenship and Immigration Services Albany
Field Office Director; GINA PASTORE, in her
capacity as United States Citizenship and
Immigration Services Brooklyn Field Office
Director; CARMEN WHALING, in her capacity as
United States Citizenship and Immigration Services
Buffalo and Syracuse Field Office Director;
ELIZABETH MILLER, in her capacity as United
States Citizenship and Immigration Services Long
Island Field Office Director; WILLIAM BIERMAN,
in his capacity as United States Citizenship and
Immigration Services New York Field Office
Director; and BRIAN MEIER, in his capacity as
United States Citizenship and Immigration Services
Queens Field Office Director,

Defendants.

18 Civ. 5068

Oral Argument Requested

**NOTICE OF MOTION FOR
PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that upon the Declaration of Robert J. Malione, and accompanying exhibits, and upon the Memorandum of Law, the undersigned, on behalf of Plaintiffs R.F.M., T.D., S.W., and D.A.F.A. (“Plaintiffs”), hereby move this Court for an order granting a preliminary injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure, ordering Defendants Kirstjen Nielsen, Secretary of the Department of Homeland Security; Lee Francis Cissna, Director of United States Citizenship and Immigration Service (“USCIS”); Barbara Velarde, Chief of the Administrative Appeals Office; Robert M. Cowan, Director of USCIS National Benefits Center; Thomas Cioppa, Director of USCIS New York District Office; Edward Newman, Director of USCIS Buffalo District Office; Daniel Renaud, Associate Director, USCIS Field Operations Directorate; Gwynne Dinolfo, USCIS Albany Field Office Director; Gina Pastore, USCIS Brooklyn Field Office Director; Carmen Whaling, USCIS Buffalo and Syracuse Field Office Director; Elizabeth Miller, USCIS Long Island Field Office Director; William Bierman, USCIS New York Field Office Director; and Brian Meier, USCIS Queens Field Office Director, to bar USCIS from departing from its longstanding policy of (i) recognizing the New York Family Court as a “juvenile court” under 8 C.F.R. § 204.11(a) and (ii) recognizing that the New York Family Court is empowered to issue SIJS Orders under 8 U.S.C. § 1101(a)(27)(J) when the Family Court’s Special Findings Order appointed a guardian for an individual over the age of 18, pending a final adjudication of the case on the merits; to enjoin Defendants to provide 14 days’ notice to Plaintiffs’ counsel before Defendants take any adverse adjudicatory or enforcement action against Plaintiffs or members of the Proposed Class during the pendency of this litigation; and to grant any other relief the Court deems just and equitable.

Dated: June 7, 2018
New York, New York

Respectfully submitted,

/s/ Robert J. Malione
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